

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA**

RECEIVED  
USDC, CLERK GREENVILLE, SC  
2016 FEB -4 PM 2: 12

Earl Gavin  
Plaintiff

Case No.

-v-

Enterprise Recovery Systems Inc;  
Defendant

**COMPLAINT**

Plaintiff, Earl Gavin, hereby sues Defendant, Enterprise Recovery Systems Inc;  
and alleges:

**PRELIMINARY STATEMENT**

1. This is an action for damages brought for damages for damages for violations of the Fair Credit Reporting Act (FCRA) 15 U.S.C. §1681 *et seq.* for violations of the Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. § 1692,

**JURISDICTION AND VENUE**

2. The jurisdiction of this Court is conferred by 15 U.S.C. §1681p, 15 U.S.C. §1692k (d)
3. Venue is proper in this Circuit pursuant to 28 U.S.C. §1391b.
4. This is an action for damages which do not exceed \$13,000.00.
5. Plaintiff, Earl Gavin is a natural person and is a resident of the State of South Carolina.
6. Defendant, Enterprise Recovery Systems Inc, is an Illinois Corporation; authorize to do business in South Carolina.
7. All conditions precedent to the bringing of this action have been performed, waived or excused.

**FACTUAL ALLEGATIONS**

8. On January 16, 2014 Enterprise Recovery Systems Inc; initiated a soft pull of Plaintiff's credit report from Experian without permissible purpose. (*See exhibit. A*)
9. On June 16, 2015, Plaintiff sent Defendant notice of pending lawsuit along with copy of complaint.

10. On or about August 8, 2014, Plaintiff receive letter from Enterprise Recovery Systems Inc, which didn't clarify what give them permission to pull my credit or to be on my credit report. Plaintiff has never done business with Defendant. *(See exhibit. B)*

11. On December 9, 2016, Plaintiff pulled Experian credit report and Defendant /Enterprise Recovery Systems was still showing on the report as date of inquiry on January 16, 2014. *(See exhibit. C)*

### **COUNT I**

#### **VIOLATION OF FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §1681 WILLFUL NON-COMPLIANCE BY ENTERPRISE RECOVERY SYSTEM INC**

12. Paragraphs 1 through 10 are re alleged as though fully set forth herein.

13. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. §1681a(c).

14. Enterprise Recovery Systems Inc,; is a furnisher of information within the meaning of the FCRA, 15 U.S.C. §1681s-2.

15. Enterprise Recovery Systems Inc; willfully violated the FCRA. Defendant's violations include, but are not limited to, the following:

(a) Enterprise Recovery Systems Inc; willfully violated 15 U.S.C. §1681b(f) by obtaining Plaintiff's consumer report without a permissible purpose as defined by 15 U.S.C. §1681b.

WHEREFORE, Plaintiff demands judgment for damages against Enterprise Recovery Systems Inc; for actual or statutory damages, and punitive damages, attorney's fees and costs, pursuant to 15 U.S.C. §1681n.

### **COUNT II**

#### **VIOLATION OF FAIR CREDIT REPORTING ACT (FCRA), 15 U.S.C. §1681 NEGLIGENT NON-COMPLIANCE BY ENTERPRISE RECOVERY SYSTEMS INC**

16. Paragraphs 1 through 10 are re alleged as though fully set forth herein.

17. Plaintiff is a consumer within the meaning of the FCRA, 15 U.S.C. §1681a(c).

18. Enterprise Recovery Systems Inc; is a furnisher of information within the meaning of the FCRA, 15 U.S.C. §1681s-2.

19. Enterprise Recovery Systems Inc; negligently violated the FCRA. Defendant's

violations include, but are not limited to, the following:

(a) Enterprise Recovery Systems Inc; negligently violated 15 U.S.C. §1681b(f) by obtaining Plaintiff's consumer report without a permissible purpose as defined by 15 U.S.C. §1681b.

WHEREFORE, Plaintiff demands judgment for damages against Enterprise Recovery Systems Inc; for actual damages, and attorney's fees and costs, pursuant to 15 U.S.C. §1681o.

**COUNT III**  
**VIOLATION OF FAIR DEBT COLLECTION PRACTICES ACT (FDCPA), 15**  
**U.S.C. §1692 BY DEFENDANTS ENTERPRISE RECOVERY SYSTEMS INC**

20. Paragraphs 1 through 10 are re alleged as though fully set forth herein.

21. Plaintiff is a consumer within the meaning of the FDCPA, 15 U.S.C. §1692a(3).

22. Defendants Enterprise Recovery Systems Inc; are debt collectors within the meaning of the FDCPA, 15 U.S.C. §1692a(6).

23. Defendant Enterprise Recovery Systems Inc;. violated the FDCPA.

Defendants' violations include, but are not limited to, the following:

(a) Defendant Enterprise Recovery Systems Inc, violated 15 U.S.C. §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person.

(c) Defendant Enterprise Recovery Systems Inc, violated 15 U.S.C. §1692e(10) by the use of any false representation or deceptive means to collect or attempt to collect any debt or to obtain information concerning a consumer.

WHEREFORE, Plaintiff demands judgment for damages against Enterprise Recovery Systems Inc. for actual or statutory damages, and punitive damages, attorney's fees and costs, pursuant to 15 U.S.C. §1692k.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury of all issues so triable as a matter of law.

Dated: January 2, 2016

Respectfully submitted,



Earl Gavin  
300 Marion Ave  
Gaffney Sc 29341